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TO: Examiner James Martinell **FROM:** Frank C. Eisenschenk, Ph.D.

COMPANY: U.S. Patent Office, Art Unit 1634 **DATE:** April 17, 2006

FAX NO.: 1-571-273-8300 **NO. OF PAGES:** 8
(INCLUDING COVER SHEET)

SUBJECT/MESSAGE:

Re: U.S. Patent Application Docket No. G-077US03DIV
EST's AND ENCODED HUMAN PROTEINS
(Edwards, Johert, Giordano)
Serial No. 10/664,025; filed September 15, 2003

Attachment: Election Under 35 U.S.C. § 121 and Preliminary Amendment (7 pages)

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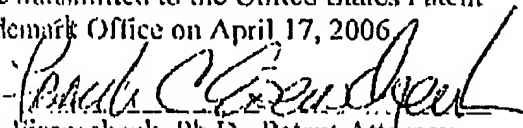
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Frank C. Biscuschenk, Ph.D., Patent Attorney

ELECTION UNDER 35 U.S.C. § 121
AND PRELIMINARY AMENDMENT
Examining Group 1634
Patent Application
Docket No. G-077US031DIV
Serial No. 10/664,025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : James Martinell
Art Unit : 1634
Applicants : Jean-Baptiste Dumas Milne Edwards, Severin Jobert, Jean-Yves Giordano
Serial No. : 10/664,025
Filed : September 15, 2003
Conf. No. : 2603
For : EST's and Encoded Human Proteins

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

ELECTION UNDER 35 U.S.C. § 121 AND
PRELIMINARY AMENDMENT

Sir:

In response to the written Restriction Requirement dated March 15, 2006 in the above-identified patent application, Applicants hereby elect to prosecute the invention of Group I (claims 1, 3-21, 23-31, and 41-46). Applicants further elect the nucleic acid of SEQ ID NO: 43, which encodes the polypeptide of SEQ ID NO: 3903.

Prior to examination, Applicants respectfully request that the subject application be amended as follows:

JAG:EN077.015.03 DIVAmend-Respl Election.doc/DND/gyl